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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,391	02/05/2002	Elizabeth Anne Earley	13DV-14119	4892

7590 07/19/2007  
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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2166

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/072,391	<b>Applicant(s)</b> EARLEY ET AL.	
	<b>Examiner</b> Isaac M. Woo	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 14-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/5/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's Election in response, filed on January 18, 2006.

2. Applicant elected Group I, claims 1-13, with traverse. However, the restriction was proper. Because the inventions are distinct, each from the other because of the following reasons:

3. The applicant's the ground(s) of the traversal, is not found persuasive. Because one application should have one invention and examining different invention on one application is burden. The inventions are distinct, each from the other because of the following reasons:

The inventions are distinct, each from the other because of the following reasons: Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I can be used for processing of information system between a server and database in network, which is processing of data in database. Invention II can be used for a server configured with a database enabled for storing and retrieving a user interface, and uploading user input, which is generating database or data structure. Invention III can be used for entering data into data template, uploading the template into database and providing data to business management, which is database accessing. Invention IV can be used for

providing an interface to a user, configuring the interface to a data template, entering business metrics data in the data template, which is manipulating data structure. See MPEP 806.05(d).

4. Claims 1-13 are presented for examination and claims 14-38 are withdrawn from consideration as being drawn on the non-elected inventions. Claims 1-38 are pending.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nwabueze (U.S. Patent No. 6,611,839).

With respect to claim 1, Nwabueze teaches receiving operating and financial data for a business (col. 6, lines 37-55); processing the data to generate business metrics (col. 6, lines 56-67 to col. 7, lines 1-19); comparing the business metrics to pre-defined parameters (col.1, lines 55-65, col. 7, lines 49-67 to col. 8, lines 1-21); and displaying a status of the business metrics (col. 6, lines 56-67).

With respect to claim 2, Nwabueze teaches displaying a plurality of gauges which visually indicate a status of a respective business metric (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 3, Nwabueze teaches displaying at least one gauge which visually indicates the position of a switch between an "ON" position and an "OFF" position (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 4, Nwabueze teaches displaying business data associated with each business metric (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 5, Nwabueze teaches linking business data used in determining a status of each respective metric to each business metric (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 6, Nwabueze teaches displaying inking business data to each respective visual display (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 7, Nwabueze teaches displaying at least one gauge which visually indicates the position of a switch between an "ON" position and an "OFF" position (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 8, Nwabueze teaches defining the pre-determined thresholds that trigger the notifications (col. 7, lines 49-67 to col. 8, lines 1-67).

With respect to claim 9, Nwabueze teaches defining which users receive the notifications when a pre-determined thresholds is satisfied (col. 7, lines 49-67 to col. 8, lines 1-67).

With respect to claim 10, Nwabueze teaches coupling a message center to the server (col.1, lines 55-65, col. 7, lines 49-67 to col. 8, lines 1-21).

With respect to claim 11, Nwabueze teaches receiving user inquiries regarding the business metric associated with the message center (col.1, lines 55-65, col. 7, lines 49-67 to col. 8, lines 1-21).

With respect to claim 12, Nwabueze teaches receiving user input regarding the business metric associated with the message center (col. 14, lines 39-51, col. 6, lines 56-67).

With respect to claim 13, Nwabueze teaches restricting access to the server system (col. 9, lines 56-67 to col. 10, lines 1-16).

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Isaac Woo', with a stylized flourish extending from the end.

Isaac Woo  
September 20, 2006